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Of Attorneys for Defendants Ann Rule, Free Press and Simon & Schuster

#### IN THE UNITED STATES DISTRICT COURT

### DISTRICT OF OREGON

#### AT PORTLAND

LIYSA NORTHON, an individual; WAYLAND DeWITT, an individual; and JON "TOR" DeWITT, an individual,

Plaintiffs,

v.

ANN RULE, an individual; FREE PRESS, a division of Simon & Schuster, Inc.; SIMON & SCHUSTER, INC., a Delaware corporation; and DOES I through XX, inclusive,

Defendants.

76 851M0 Case No.

**NOTICE OF REMOVAL** 

## TO: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

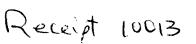
Pursuant to 28 U.S.C. §§ 1441 and 1446, defendants Ann Rule, Free Press, and Simon & Schuster ("Defendants") remove this action from the Circuit Court of the State of Oregon, for the County of Multnomah, to the United States District Court for the District of Oregon in Portland, Oregon.

1. On December 22, 2005, Plaintiffs filed their Complaint in the Circuit Court of the State of Oregon, for the County of Multnomah, entitled *Northon, et a. v. Rule, et al*, Case No. 0512-

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13401. On December 27, 2005, Plaintiff's filed a First Amended Complaint. On March 3, 2006,

Plaintiffs filed a Second Amended Complaint. On March 10, 2006, Defendants were served with a

Summons and the Second Amended Complaint. In accordance with 28 U.S.C. § 1446(a), a true

copy of all pleadings, process, and orders served on Ann Rule, Free Press and Simon & Schuster

in this action to June 15, 2006 is attached hereto as Exhibit 1.

2. Pursuant to 28 U.S.C. § 1441(a), a defendant may remove an action filed in

the state court to the United States District Court if the district court has original jurisdiction over

the action. This action is one over which the court has original jurisdiction under 28 U.S.C.

§ 1332(a)(1) because

(1) The amount in controversy exceeds \$75,000; and

(2) All Plaintiffs are citizens of states different from all Defendants, and no

Defendant is a citizen of the state in which the action was brought.

Specifically, plaintiff Liysa Northon and Wayland DeWitt are citizens of the State of Oregon (Pls.'

Compl. ¶¶7-8) and plaintiff Jon "Tor" DeWitt is a citizen of the State of Montana (Pls.' Compl.

¶10). Defendant Simon & Schuster, Inc. is both organized and incorporated under the laws of State

of Delaware, with its principal place of business in New York, and defendant Free Press is a

Division of that corporation. (Pls.' Compl. ¶2-3.) Defendant Ann Rule is a citizen of the State of

Washington. (Pls.' Compl. ¶1.)

3. The amount of controversy in this action exceeds \$75,000 in that plaintiff

seeks, among other things, \$1,000,000 for each plaintiff in non-economic damages and \$500,000 in

economic damages.

4. Removal is timely in that fewer than 30 days have elapsed since receipt by

defendants of a copy of the signed Order dismissing the State of Oregon, the only non-diverse party,

from the case. 28 U.S.C. § 1446(b).

5. Defendants have good and sufficient defenses to this action and do not

waive any defenses, jurisdictional or otherwise, by the filing of this Notice.

6. This notice is filed pursuant to Fed.R.Civ.P. 11.

Written notice of the filing of this Notice of Removal of Civil Action will be given to Plaintiffs. A copy of this Notice of Removal and supporting papers, will be filed with the Clerk of the Circuit Court of the State of Oregon for the County of Multnomah, as provided by 28 U.S.C. § 1446(d).

WHEREFORE, defendant removes this action from the Circuit Court for the State of Oregon, for the County of Multnomah to the Portland Division of the United States District Court, for the District of Oregon.

DATED this 16 day of June, 2006.

DAVIS WRIGHT TREMAINE LLP

By

Duane Bosworth, OSB #82507 Telephone: (503) 241-2300 Facsimile: (503-778-5299

Of Attorneys for Defendants Ann Rule, Free Press, and

Simon & Schuster

# **CERTIFICATE OF SERVICE**

I hereby certify that I served a copy of the foregoing NOTICE OF REMOVAL

on:		L.E. Ashcroft, OSB #79150 Ashcroft Wiles, LLP 1820 Commercial Street, SE Salem, Oregon 97304 Telephone (503) 364-6734 Facsimile (503) 364-6735	Jennifer A McCauley, OSB #01339 David B. Wiles, OSB #90135 Ashcroft Wiles, LLP 1000 S.W. Broadway, Suite 1500 Portland, Oregon 97205 Telephone: (503) 226-3515 Facsimile (503) 226-4050	
		Of Attorneys for Plaintiff	Of Attorneys for Plaintiffs	
		by mailing a copy thereof in a sealed,	ically mailed notice from the court on the date set forth below; a copy thereof in a sealed, first-class postage prepaid envelope, o said attorney's last-known address and deposited in the U.S. mail at regon on the date set forth below;	
		by causing a copy thereof to be <b>hand-delivered</b> to said attorney on the date set forth below; by <b>faxing</b> a copy thereof to said attorney at his/her last-known facsimile number on the date set forth below.  Dated this 16 day of June, 2006.		

DAVIS WRIGHT TREMAINE LLP

Ву

Duane Bosworth, OSB #82507 Telephone: (503) 241-2300 Facsimile: (503-778-5299

Of Attorneys for Defendants Ann Rule, Free Press, and

Simon & Schuster